



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014.

Chamber Ref: FTS/HPC/CV/22/0543

Re: Property at 31 Cloverleaf Grange, Bucksburn, Aberdeen, AB21 9FH (“the Property”)

Parties:

Places for people Scotland, Touchstone, 2 Crescent office park, Clarks Way, Bath, BA2 2AF (“the Applicant”)

Mr Johnpaul Massie, 31 Cloverleaf Grange, Bucksburn, Aberdeen, AB21 9FH (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Ann Moore (Ordinary Member)

- 1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the respondent shall make payment to the applicant of the sum of twelve thousand four hundred and thirteen pounds (£12,413).**
- 2. This was a case management discussion ‘CMD in connection with an application in terms of rule 70 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, (‘the rules’) and s16 of the Housing (Scotland) Act 2014, (‘the Act’). The applicant’s solicitor Mr Kenneth Caldwell attended. The respondents did not attend and was not represented. The tribunal had sight of the execution of service by sheriff officers dated 5 April 2022 and were satisfied that the respondent was aware of today’s hearing. There was a second application before the tribunal for eviction in terms of rule 65. The tribunal proceeded with the CMD in terms of rules 24 and 29.**
- 3. The tribunal had before it the following copy documents:**

- (1) Application dated 24 February 2022
- (2) Tenancy agreement.
- (3) AT5.
- (4) Notice to quit dated 23 June 2021.
- (5) AT6 dated 23 June 2021.
- (6) S33 notice dated 23 June 2021.
- (7) Rent statement.
- (8) Letter to respondent dated 19 February 2019 regarding rent increase.
- (9) Proof of service of items 4, 5, 6.
- (10) Letter to respondents regarding pre action requirement dated 23 February 2021.
- (11) S11 notice.
- (12) Land certificate.
- (13) Landlord registration.

Preliminary matter

4. Mr Caldwell had sent an email to the tribunal on 20 May 2022 with an updated rent statement confirming that the rent arrears had increased to £14,466. The tribunal allowed this further document to be received although late. The tribunal also decided in fairness to the respondent that the sum sought in the rule 70 application would not be increased and the maximum amount the tribunal could grant would be £12,413. The updated rent statement was however helpful in illustrating that the rent remains outstanding.

Discussion

5. Mr Caldwell was seeking an order for payment of the sum of £12,413 as per the application and rent statement lodged with it.

6. Findings in fact.

- The applicant is the owner of the property.
- The parties entered into a short assured tenancy agreement on 5 May 2017 for let of the property for the initial period from 5 May 2017 until 6 November 2017 and month to month thereafter.
- The agreed monthly rent was £660.
- The rent increased to ££679.80 on 1 April 2019.
- The rent arrears at the date the application was made were around £12,413.
- The sum of £12,413 remains outstanding.

Reasons

7. This is an undefended application to recover rent arrears arising out of a short assured tenancy. The tribunal had sufficient information before it to make a decision and the procedure had been fair. The tribune accordingly granted an order for £12,413.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Lesley Ward

Legal Member

23 May 2022

Date